

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, NY 10007*

December 20, 2024

BY ECF

The Honorable Paul A. Engelmayer  
United States District Court  
United States District Judge  
40 Foley Square  
New York, NY 10007

Re: *The Intercept Media Inc. v. National Park Service*, 23 Civ. 10922 (PAE)

Dear Judge Engelmayer:

We write jointly on behalf of Defendants the United States Department of the Interior and the National Park Service (together, the “Government”) and Plaintiffs The Intercept Media, Inc. and Ryan Devereaux (collectively with the Government, the “Parties”). In accordance with the Court’s December 6, 2024 Opinion & Order, ECF No. 41 (the “Order”), the Parties propose **February 4, 2025** as the deadline for the Government to release to Plaintiffs a version of the Investigative File redacted consistently with the Order and to provide a revised *Vaughn* index should the Government decide not to appeal from the Order.

The Government submits that this February 4, 2025 deadline, which is 60 days from the Court’s December 6, 2024 decision, is appropriate in light of the fact that in cases where the United States is a party, Congress has provided all parties with 60 days in which to appeal, 28 U.S.C. § 2107(b); *see* Fed. R. App. P. 4(a)(1)(B). This time is intended to provide sufficient time for the Department of Justice to consult with interested components of the government and for the Solicitor General to determine whether to appeal, 28 C.F.R. § 0.20(b). Accordingly, this 60 day deadline is appropriate to preserve the government’s appellate rights as disclosure of the Investigative File would moot any appeal by the government, depriving the government of the protection of FOIA’s exemptions without appellate review. *See In re Papandreou*, 139 F.3d 247, 251 (D.C. Cir. 1998). Accordingly, by February 4, 2025, the Government would either file a notice of appeal, or provide to Plaintiffs the unredacted Investigative File and the revised *Vaughn* index. Should the Government file a notice of appeal, the Government respectfully requests that the deadline for the Government to comply with the Order be extended pending appeal.

We thank the Court for its attention to this matter.

Respectfully,

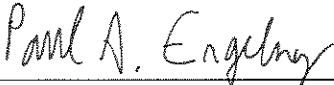
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Encl.

Consistent with the parties' proposed schedule, the Court directs defendants, by February 4, 2025, unless a notice of appeal is filed, to (1) release to plaintiffs a substantially less redacted version of the Investigative File, consistent with the Court's decision of December 6, 2024, *see* Dkt. 41 ("December 6 Opinion & Order"), and (2) furnish plaintiffs with a revised *Vaughn* index chronicling the information withheld and the basis for withholding. Given the public interest in prompt disclosure of the withheld information, *see, e.g., id.* at 23-27, defendants should not expect any extensions of this deadline, absent extraordinary circumstances. If either party files a notice of appeal, defendants' deadline to comply with the December 6 Opinion & Order will be stayed pending appeal.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: December 23, 2024  
New York, New York